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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,286	04/27/2000	Tee mu Stewen	2132-27PCON	2323

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NGUYEN, DAVID Q

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2682

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/559,286	STEWEN ET AL.	
	Examiner	Art Unit	
	David Q Nguyen	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,6-13 and 15-18 is/are rejected.
- 7) Claim(s) 2-5 and 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 12/16/02 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (The term "intelligent network" is defined in the specification by reference to ITUT recommendation Q121x and Bellcore AIN recommendations. Attachment 1 to this response is a copy of ITU 1.312/Q.1201 (10/92) which describes the principles of the intelligent network architecture defined in the Q121x recommendations. Attachment 2 is a copy of an intelligent network tutorial presently available on the internet at <http://www.iec.org> (printed on December 6, 2002). Attachments 1 and 2 show that the intelligent network is service logic that is connected externally to conventional telecommunication switching systems (see, e.g., Fig. 16 on page 16 of Attachment 1 and pages 4-5 of Attachment 2). The CPU disclosed by Morrill connected to the telecommunications networks can not be considered an intelligent network as recited in independent claims 1 and 9 and defined in the specification. Rather, the CPU is Morrill is merely a server connected to the telecommunications network for providing the electronic funds transfer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument on pages 4 and 5, applicants argue that Morrill also fails to disclose an automated apparatus which provides the desired service in response to the

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communications initiated by the first wireless terminal with the telecommunication network, as recited in independent claims 1 and 9. The CPU of Morrill transfers funds but does not provide instructions to an automated apparatus to automatically provide the desired service.

Examiner respectfully disagrees because Morrill discloses an automated apparatus which provides the desired service in response to the communications initiated by the first wireless terminal with the telecommunication network, as recited in independent claims 1 and 9. The CPU of Morrill provides instructions to an automated apparatus to automatically provide the desired service (see col. 7, lines 13-50).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1,6-9,13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrill, Jr. (US Patent Number 5991749).

Regarding claim 1, Morrill discloses a method for providing a service, provided by an automated service apparatus, under remote user control using a first terminal device of the user that is connectable to a telecommunication network comprising an intelligent network including a control center having means for handling one of short messages and data calls (see abstract and col. 2, lines 18-32); means in the intelligent network for determining charge and location data and for producing voice messages (see col. 4, lines 39-67; col. 5, lines 61-67; col. 7, lines 1-12); a first telecommunication connection establishable between the first terminal device and the telecommunication network (see col. 2, lines 29-31); a second terminal device connectable to the telecommunication network and located in the automated service apparatus; and a second telecommunication connection establishable between the telecommunication network and the second terminal device (see col. 7, lines 1-67); a control unit located in the automated service apparatus and connected to the second terminal device and the automated service apparatus (see col. 7, lines 47-51).

Morrill further discloses the method comprising the steps of: establishing the first telecommunication connection by user operation of the first terminal device to initiate a call from the first terminal device to a predetermined called subscriber number associated with the service to be provided by the automated service apparatus, the call initiated from the first terminal device being directed through the first telecommunication connection to the intelligent network of the telecommunication network (see fig. 1A and 1B; col. 7, lines 1-67); determining, in the intelligent network, charge data associated with the call (see col. 4, lines 39-67; col. 5, lines 1-

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21); establishing, through the intelligent network in response to the establishing of the first telecommunication connection, the second telecommunication connection from the telecommunication network to the second terminal device (see fig. 1A and 1B; col. 7, lines 1-67); controlling the automated service apparatus, by operation of the control unit in response to establishing of the second telecommunication connection and subject to a state of the automated service apparatus, to carry out the service to be provided by the automated service apparatus in response to user establishment of the first telecommunication connection from the first terminal device by user initiation of the call to the predetermined called subscriber number (col. 7, lines 1-67).

Regarding claim 6, Morrill also discloses identifying in the intelligent network a calling subscription associated with one of the user and the first terminal device from which the call has been initiated to establish the first telecommunication connection; and verify access rights, to the service, in the user based on subscriber access rights associated with the identified calling subscriber (see col. 7, lines 1-50).

Regarding claim 7, Morrill further discloses the step of transmitting, from the control unit to the control center, a current state of the automated service apparatus in response to one of: transmission of a status inquiry message from the control center to the second terminal device; exhaustion of supply of the product stored in the automated service apparatus; and a malfunction of the automated service apparatus (see col. 6, lines 36-46)

Regarding claim 8, Morrill further discloses the step of transmitting, from the control unit to the control center, a current state of the automated service apparatus over one of a data connection and a text message connection (see col. 7, lines 27-50)

Regarding claim 9, Morrill discloses a system for providing a service, provided by an automated service apparatus, to a user under remote user control using a first terminal device of the user that is connectable to a telecommunication network, the telecommunication network comprising an intelligent network that includes means for determining charge and location data and for producing voice message (see col. 4, lines 58-60, col. 5, lines 61-67, col. 7, lines 6-12). Morrill also discloses a control center having means for handling one of short messages and data calls in cellular phone network (see abstract, and col. 2, lines 29-32). Morrill further discloses the method comprising a second terminal device connectable to the telecommunication network and located in the automated service apparatus (see col. 4, lines 39-47); a control unit located in the automated service apparatus and connected to the second terminal device to the automated service apparatus (see col. 7, lines 47-51)

Morrill further discloses the telecommunication network having a predetermined called subscriber number associated with the service to be provided by the automated service apparatus such that, when user operation of the first terminal device initiates a call from the first terminal device to the predetermined called subscriber number, the telecommunication network establishes a first telecommunication connection between the first terminal device and the telecommunication network, the intelligent network determines charge data associated with the call to predetermined called subscriber number, and the telecommunication network establishes a second telecommunication connection between the telecommunication network and the second terminal device; wherein said control unit is operable for monitoring functions of the automated control apparatus, for monitoring the second telecommunication connection, and for controlling operation of the automated service apparatus in response to the establishment and monitoring of

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the second telecommunication connection to provide the service in response to user initiation of the call to the predetermined called subscriber number associated with the service to be provided by the automated service apparatus (see col. 4, lines 58-60, col. 5, lines 61-67, col. 6, lines 16-67, col. 7, lines 1-67, col. 8, lines 1-45).

Regarding claim 13, Morrill discloses a system comprising means in the telecommunication network for determining calling subscriber current location data for the first terminal device from which the call to the predetermined subscriber number has been initiated (see col. 4, lines 58-60, col. 5, lines 61-67, col. 7, lines 6-12).

Regarding claims 15-17, Morrill also discloses the second terminal device including means for transmitting and receiving one of short messages and data calls; the control unit comprising one of a computer and a micro controller, the first terminal device comprising a mobile station (see col. 6, lines 16-67, col. 7, lines 1-67, col. 8, lines 1-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. (US Patent Number 5991749).

Regarding claim 10, Morrill discloses a system comprising all of the limitations as claimed. Morrill is silent to disclose the control unit is further operable for setting the second

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terminal device to one of a busy and a no-answer state. However, it is inherent that the control unit of the vending machine is operable for setting the second terminal device to one of a busy and a no-answer state.

Regarding claim 11, Morrill discloses a system comprising all of the limitations as claimed. Morrill is silent to disclose the control unit is further operable for shutting off the second terminal device. However, it is inherent that the control unit is further operable for shutting off the second terminal device.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. (US Patent Number 5991749) in view of Dinkins (US Patent Number 5790936).

Regarding claim 12, Morrill discloses a system comprising all of the limitations as claimed. Morrill is silent to disclose the system comprises means in the telecommunication network for delivering, from the means for producing voice messages to the first terminal device through the first telecommunication connection, a voice message informing the user of a current status of the automated service apparatus. However, Dinkins discloses the system comprises means in the telecommunication network for delivering, from the means for producing voice messages to the first terminal device through the first telecommunication connection, a voice message informing the user of a current status of the automated service apparatus (see col. 13, lines 58-67). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Dinkins to Morrill in order to inform user specifications of a product which the user wishes to order.

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5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. (US Patent Number 5991749) in view of McGregor et al. (US Patent Number 6198915).

Regarding claim 18, Morrill discloses a system comprising all of the limitations as claimed. Morrill is silent to disclose the first terminal device comprising a tone frequency telephone apparatus. However, McGregor disclose a terminal device comprising a tone frequency telephone apparatus (see col. 18, lines 41-48). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of McGregor to Morrill so that user can be notified order activities.

Allowable Subject Matter

6. Claims 2-4,5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

Regarding claims 2-4, Morrill fails to disclose operating the control unit to set the second terminal device to one of a busy state and no-answer state and shut off the second terminal device to reflect current unavailability of the service, as specified in claims 2-4.

Regarding claims 5 and 14, Morrill discloses a method comprising all of the limitations as claimed. Morrill fails to disclose establishing the second telecommunication connection from the telecommunication network to one automated service apparatus that is located nearest to the determined current location of the first terminal device, as specified in claims 5 and 14.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nguyen Q. David whose telephone number is (703) 605-4254. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for all communications.

DN
David Nguyen

Nguyen
2/21/03

NGUYEN T. VO
PRIMARY EXAMINER